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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRANCH BANKING AND TRUST
COMPANY,

Plaintiff,

v.

DAVID M. FRANK, et al.,

Defendants.

2:11-CV-1366 JCM (CWH)

ORDER

Presently before the court is defendants David M. Frank, et. al.'s motion to strike plaintiff's reply in support of application for issuance of writs of attachment and garnishment. (Doc. #53). Plaintiff Branch Banking and Trust Company filed an opposition. (Doc. #58). Defendants then filed a reply. (Doc. #59).

This case involves a dispute over a loan for real property located near the intersection of Lake Mead Boulevard and Rancho Drive in North Las Vegas, Nevada. (Doc. #65). Plaintiff filed an *ex parte* application for issuance of writs of attachment and garnishment against defendant David Frank. (Doc. #22). Defendants then filed a notice of pending opposition and a request for briefing schedule on plaintiff's *ex parte* motion. (Doc. #23). The court issued a briefing schedule for the *ex parte* motion (doc. #43), and defendants filed an opposition (doc. #45). Plaintiff then filed a reply. (Doc. #46).

1 On February 24, 2012, defendants filed the instant motion to strike plaintiff's reply in support
2 of application for issuance of writs of attachment and garnishment. (Doc. #53). While the parties
3 were briefing this motion, plaintiff purchased the subject property at a non-judicial foreclosure sale
4 on March 23, 2012. (Doc. #65). Plaintiff then filed an amended complaint on April 16, 2012. (Doc.
5 #65). The amended complaint includes the factual allegations surrounding the purchase of the
6 subject property and adds a cause of action for judgment pursuant to NRS 40.495. (Doc. #65).

7 The court finds that the instant motion to strike is moot. The court further orders the parties
8 to submit supplemental briefs addressing the changed underlying facts as detailed in the amended
9 complaint (doc. #65) and their impact on the application for issuance of writs of attachment and
10 garnishment.

11 Accordingly,

12 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants David M.
13 Frank, et. al.'s motion to strike plaintiff's reply in support of application for issuance of writs of
14 attachment and garnishment (doc. #53) be, and the same hereby is, DENIED as moot.

15 IT IS FURTHER ORDERED that plaintiff file a supplemental brief on or before May 14,
16 2012. Defendants shall file a supplemental brief within 14 days of plaintiff's supplemental brief.

17 DATED May 2, 2012.

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20 **UNITED STATES DISTRICT JUDGE**